

**§ 18.2-152.4:1 Computer Contamination; penalty**

- A. *It shall be unlawful for any person to knowingly transmit a computer contaminant, or insert a computer contaminant into a computer, computer program, computer software, or network of another without the knowledge or permission of the owner of that computer, computer program, computer software or computer network.*
- B. *Any person who violates this section shall be guilty of computer contamination, which offense shall be punished as a Class 1 misdemeanor.*
- C. *Any person who violates this section after having been previously convicted of a violation of this section or any substantially similar laws of any other state or of the United States shall be guilty of a Class 6 felony.*
- D. *Any person who violates this section and:*
- (1) Causes damage of \$2500 or more to the property of another;*
  - (2) The violation involves a computer contaminant that is capable of self-replicating or self-propagating, or induces any person to transfer such computer contaminant to another computer or network;*
  - (3) Through the violation, obtains the ability to use three or more computers or one or more networks without the knowledge or permission of the owner of such computers or network;*
  - (4) The violation was committed for purposes of commercial advantage or financial gain;*
  - (5) The violation was committed in furtherance of the commission of a felony;*  
*or*
  - (6) Through such violation, obtains data, computer information or computer services worth \$200 or more,*

*shall be guilty of a Class 6 felony. For purposes of subsection D(1), damages shall include any reasonable cost to the victim, including the cost of responding to an offense; conducting a damage assessment; or restoring any data, computer information, computer programs, computer software or computer systems to their condition prior to the offense; as well as any revenue lost or cost incurred as a result of the offense.*

- E. *Nothing in this section shall be construed to interfere with or prohibit terms or conditions in a contract or license related to computers, computer data, computer information, computer networks, computer operations, computer programs, computer services, or computer software or to create any liability by reason of terms or conditions adopted by, or technical measures implemented by an electronic mail service provider to prevent the transmission of unsolicited electronic mail in violation of this article. Nothing in this section shall be construed to prohibit the monitoring of computer usage of, the otherwise lawful*

*copying of data of, or the denial of computer or Internet access to a minor by a parent or legal guardian of the minor.*

*“Computer contaminant” means any set of computer instructions that are designed to (1) alter, damage, destroy, or monitor information within a computer or network without the authorization of the owner of the information, or (2) degrade the performance of or disable a program, computer or network without the authorization of the owner, or (3) allow a person the ability to use or operate a computer or network, without the authorization of the owner. They include, but are not limited to, a group of computer instructions commonly called viruses or worms, that are self-replicating or self-propagating and are designed to contaminate other computer programs or computer data, consume computer resources, alter, damage, destroy, record or transmit data or in some other fashion usurp the normal operation of the computer, computer program, computer operations, computer services or computer network.*